

SYNOPSIS

	Page
STATEMENT OF FACTS	2
ARGUMENT	
Provisions of the Wisconsin statutes.....	6
Agents	9
Insurance not commerce	24, 69
What constitutes doing business.....	26
Wisconsin and Michigan cases.....	37
Insurance contracts — police power.....	42
State control of foreign companies	46
Where this insurance contract is delivered.....	47
Jurisdiction	48
The Allgeyer case	51
Corporations, status of	54
Wisconsin cases	73

CASES CITED

	Page
Adams v. American Agricultural Chemical Co., 82 S.C. 850	72
Aetna Ins. Co. v. Harvey, 11 Wis. 394	78
Allgeyer v. Louisiana, 165 U. S. 578, 17 Sup. Ct. 427, 41 U.S. (L. ed.) 832	51, 52, 55, 59, 70
American Fire Ins. Co. v. King Lumber & Mfg. Co., 250 U.S. 2, 63 L. Ed. 810	71
American & Foreign Christian Union v. Yount, 191 U.S. 352	67, 68
American Ins. Co. v. Stay, 41 Mich. 401	78
Anglo-Californian Bank v. Field, 146 Cal. 644	57
Atlantic Coast Line Ry. Co. v. Comm., 102 Va. 599	69
Backover v. Line Assn. of America, 77 Va. 85	66
Baldwin Tool Works v. Blue, 240 Fed. 202	66
Bank of Augusta v. Earle, 13 Pet. 519	66, 67, 68
Barbier v. Connolly, 113 U.S. 27	5, 45
Beach v. Kerr Turbine Company, 243 Fed. 710	28
Beers v. State of Arkansas, 20 How. (U.S.) 527	49
Benz v. Kremer, 142 Wis. 1	76
Berea College v. Kentucky, 211 U.S. 45	62
Bethlehem Motors Co. v. Flint, 178 S.C. 399, 100 S.E. 693	72
Blake v. McClung, 172 U.S. 239	63, 66
Blodgett v. Layon Zinc Co., 120 Fed. 893	67

	Page
Bristol & Co. v. Railroad Comm. of Wis., decided July 19, 1926, circ. et. Dane county.....	83
Broadnax v. Missouri, 219 U.S. 285.....	68
Camfield v. U.S., 167 U.S. 518.....	5
Canada Southern R.R. Co. v. Gebhard, 109 U.S. 529.....	66
Central of Georgia R. Co. v. Groesbeck, 175 Ala. 189.....	68, 69
Chicago Title & Trust Co. v. Bashford, 120 Wis. 281.....	73
Citizens Insurance Co. v. Clay, 197 Fed. 435.....	35
Clark v. Central R.R. & Banking Co., 50 Fed. 338.....	67
Columbia Fire Ins. Co. v. Kinyon, 37 N.J.L. 33.....	77
Commercial Mut. Accident Co. v. Davis, 213 U.S. 245 29-30, 33	
Com. v. Gregory, 121 Ky. 256	69
Connecticut Mut. Life Ins. Co. v. Spratley, 172 U.S. 602....	30
Cowell v. Colorado Springs Co., 100 U.S. 55.....	67
Cravens v. N. Y. Life Ins. Co., 148 Me. 583, 53 L.R.A. 305	78
Crutcher v. Kentucky, 141 U.S. 47.....	35
Daggs v. Orient Ins. Co., 136 Mo. 382.....	62, 79
Dixon v. Northwestern Nat. Life Ins. Co., 179 N.W. 885....	72
Doyle v. Continental Ins. Co., 94 U.S. 535, 24 U.S. (L. Ed.) 148	5, 6, 46, 58, 59, 63
Ducat v. Chicago, 48 Ill. 172, 95 Am. Dec. 529.....	57
Ducat v. Chicago, 10 Wall. 410, 19 L. Ed. 972.....	24, 58, 62
Duluth Music Co. v. Clancy, 139 Wis. 189.....	75
Elwell v. Adder Machine Co., 136 Wis. 82.....	75

	Page
Equitable Life Society v. Clements, 140 U.S. 226.....	25
Equitable Life Society v. Pennsylvania, 238 U.S. 143....	31-32, 33
Fidelity & Deposit Co. v. Tafoya, et al., 70 L. Ed. 379 (Adv. Sheet)	33, 34, 62
Fitz v. McGhee, 172 U.S. 516	48
Fletcher v. New York L. Ins. Co., 13 Fed. 526.....	59
Frazier v. Wilcox, 4 Rob. (La.) 517.....	62
Gen. Acc. Assur. Co. v. Walker, 99 Miss. 404, 55 So. 51....	58
German Alliance Ins. Co. v. Hale, 219 U.S. 307.....	50
German Alliance Ins. Co. v. Kansas, 233 U.S. 389	35-36, 50, 56, 58, 63
Gooch v. Faucett, 39 L.R.A. 835.....	78
Gray Co., G. A., v. Taylor Bros. Iron Works, 66 Fed. 686....	48
Greek Am. S. Co. v. Richardson D. Co., 124 Wis. 469.....	75
Hagler v. Security Mut. Life Ins. Co., 244 Fed. 863.....	72
Hancock, John, Mutual L. Ins. Co. v. Warren, 181 U.S. 73....	58
Hartford Fire Ins. Co. v. Raymond, 70 Mich. 485.....	69
Head v. N. Y. Life Ins. Co., 241 Mo. 403, 147 N.W. 827..	63
Hendrick v. Maryland, 235 U.S. 610	68
Home Ins. Co. v. Augusta, 93 U.S. 116.....	46
Hooper v. California, 155 U.S. 648.....	24, 46, 70, 76
House v. Mayes, 219 U.S. 270	69
Independent Tug Line v. Lake Superior Lumber Co. 148 Wis. 121	62

	Page
Indiana Harbor Belt R. Co. v. Green, 289 Ill. 81, 124 N.E. 298	72
Indiana Road Machine Co. v. Town of Lake, 149 Wis. 541, 136 N.W. 178	37
Iowa State Traveling Men's Association v. Ruge, 242 Fed. 766	28
James v Brim, 165 U.S. 180	5
Kansas City Southern R. Co. v. Kaw Valley Drainage Dist., 233 U.S. 75	69
Kaw Valley Drainage Dist. v. Missouri Pac. R. Co., 99 Kan. 188	68
Keim v. Home Mutual Fire & Marine Ins. Co. of St. Louis, 97 Am. Dec. 291.....	47
Kliver v Middlewest Grain Co., 173 N.W. 468.....	71
Knott v. Southern Life Ins. Co., 2 Woods 479, Fed. Cases No. 7894	67
Kremmler, Re, 138 U.S. 436.....	5
Laurentide Company v. Durey, 231 Fed. 228.....	28-29
Liverpool Ins. Co. v. Massachusetts, 10 Wall. 566.....	24
Lochner v. New York, 198 U.S. 45.....	69
Loomis v. People's Construction Co., 211 Fed. 453.....	37
Louisville R. Co. v. Gaston, 216 U.S. 418.....	63
Loverin & Browne Co. v. Travis, 135 Wis. 322.....	62, 74
Lumbermen's Insurance Co. v. Meyer, 197 U.S. 407 26-27, 53, 54	
McCarther v. Firemen's Ins. Co., 74 N.J. Eq. 372.....	63

	Page
McElroy v. Metropolitan Life Ins. Co., 122 N.W. 27.....	34
Mannington v. Hocking Valley Ry. Co., 183 Fed. 133.....	67
Martin v. Watson Nav. Co., 239 Fed. 188.....	65
Milwaukee Fire Dept. v. Helfenstein, 16 Wis. 136.....	62
Minneapolis & St. L. R. Co. v. Beckwith, 129 U. S. 26.....	69
Missouri K. & T. R. Co. v. Harris, 234 U.S. 412.....	68, 69
Mitchell v. National Surety Co., 206 Fed. 807.....	59
Mugler v. Kansas, 123 U.S. 623	5, 69
Munday v. Wis. Trust Co. et al., 252 U.S. 499.....	40, 61
Mutual Health Assurance Co. v. Rosenthal, 55 Ill. 886.....	78
Nathan v. Louisiana, 8 How. 73	25
National Union F. Ins. Co. v. Wanberg, 42 S. Ct. 32.....	58
New York Life Ins. Co. v. Cravens, 178 U.S. 389.....	24, 70
New York Life Ins. Co. v. Deer Lodge Co., 231 U.S. 495	24, 25, 64
New York Life Ins. Co. v. Fletcher, 117 U.S. 519.....	46
Nichols v. U. S., 7 Wall. 122.....	49-50
Noble v. Mitchell, 100 Ala. 519	59
Noble v. Mitchell, 164 U.S. 367	24
Norfolk & W. R. Co. v. Penn., 136 U.S. 114.....	46
Northwestern Mut. L. Ins. Co. v. Lewis & Clarke Co., 28 Mont. 484	70
Northwestern Mut. L. Ins. Co. v. Wisconsin, 247 U.S. 132	69
Northwestern National Bank v. Superior, 103 Wis. 43.....	46

	Page
Northwestern Nat. Ins. Co. v. Riggs, 203 U.S. 243.....	62
Nutting v. Massachusetts, 183 U.S. 553.....	24, 70
Orient Ins. Co. v. Daggs, 172 U.S. 557.....	71
Palmetto F. Ins. Co. v. Beha, C.C.A., Second Circuit, Nov. 10, 1925	33, 34, 62
Parker v. C. Bloenson, 34 L.R.A. 704.....	79
Parker, Jerome P.,—Harris Co. v. Kissell Motor C. Co., 165 Wis. 518	75
Patrick, F. A., & Co. v. DesChamp, 145 Wis. 224.....	75
Paul v. Virginia, 8 Wall. 168, 19 L. Ed. 357.....	24, 25-26, 62, 65, 66, 70
Pennsylvania v. Equitable Life Society, 239 Pa. 288 (Aff. Sup. Ct. 238 U. S. 143).....	30-31
People v. Chicago, I. & L. R. Co., 223 Ill. 581.....	68
People v. Fidelity & Casualty Co. of N. Y., 153 Ill. 25.....	69
People v. Imlay, 20 Barb. (N. Y.) 68.....	57
People v. National Fire Ins. Co. of Hartford, 27 Hun (N. Y.) 188	71
Philadelphia Fire Association v. New York, 119 U. S. 110, 7 Sup. Ct. 108.....	24, 47, 63, 70
Phillips Co. v. Everett, 262 Fed. 344.....	28, 30
Phoenix Nursery Co. v. Trostel, 166 Wis. 215.....	39
Polk v. Hanke, 28 L. R. A. 568.....	78
Postal Telegraph C. Co. v. Charleston, 153 U. S. 692.....	46
Presbyterian Ministers' Fund v. Thomas, 126 Wis. 281.....	13, 60- 61, 69

	Page
Providence, etc. Co. v. Virginia Fire Ins. Co., 11 Fed. 284.....	50-51
Railroad Comm. of Indiana v. Grand Trunk Western R. Co., 179 Ind. 255.....	68
Relfe v. Rundle, 103 U. S. 222.....	65, 66
Republic Acceptance Corp. v. Bennett, 189 N. W. 901.....	41-42
Rose v. Kimberly & Clark, 89 Wis. 545.....	13, 45, 81
Runyan v. Coster, 14 Pet. 122.....	66, 68
St. Clair v. Cox, 106 U. S. 350.....	65
St. Louis Cotton Compress Co. v. Arkansas, 260 U. S. 346, 67 L. Ed. 297, 34 Sup. Ct. 125.....	34, 58
St. Louis & S. F. R. Co. v. Cross, 171 Fed. 480.....	60, 66, 71, 76
Scottish Union & Nat. Ins. Co. v. Herriott, 109 Ia. 606, 80 N. W. 665.....	59-60, 69
Seamans v. Knapp Stout & Co., 89 Wis. 171.....	76-77, 80
Seamans v. Temple Co., 28 L. R. A. 430.....	78
Seamans v. Zimmerman, 91 Iowa 366.....	77
Seattle Gas & Electric Co. v. Citizens L. & P. Co., 123 Fed. 588	65
Security Mut. Life Ins. Co. v. Prewitt, 202 U. S. 246, 26 Sup. Ct 619, 50 L. Ed. 1013.....	58, 60, 71
Selover v. Walsh, 226 U. S. 112.....	58, 62
Sligh v. Kirkwood, 65 Fla. 123.....	68
South Carolina v. McMaster, 237 U. S. 63.....	70
Southern Ry. Co. v. Railroad Comm. of Ind., 179 Ind. 23....	69

	Page
Sprout, Waldron & Co. v. Amery Mercantile Co., 162 Wis. 279	38
State v. J. P. Bass Pub. Co., 20 L. R. A. (N. S.) 495, 71 A. 894	80
State ex rel. Carnation Milk Products Co. v. Emery, 178 Wis. 147	5
State v. Central Lumber Co., 24 S. D. 136, 123 N. W. 504	63
State v. Chicago, M. & St. P. R. Co., 136 Wis. 407.....	68
State ex rel. Goldwin Distributing Corp. v. Gherz, 181 Wis. 238, 194 N. W. 418.....	40
State v. Insurance Co. of No. Am., 115 Ind. 257.....	69
State v. Insurance Co. of No. Am., 71 Neb. 320.....	70
State ex rel. Kellogg v. Currens, 111 Wis. 431.....	76
State v. Legendre, 138 La. 154.....	45
State v. Phillip, 18 L. R. A. 57, 50 Kans. 609.....	79
State v. Phipps, 50 Kan. 609.....	69, 70
Sutton v. New Jersey, 244 U. S. 258.....	69
Swing v. Munson, 191 Pa. 582, 58 L. R. A. 223.....	78
Tatem v. Wright, 23 N. J. L. 429.....	57
Thames & M. M. Ins. Co. v. U. S., 237 U. S. 19.....	70
Thompson v. Taylor, 54 L. R. A. 585.....	78
Tolerton & Stetson Co. v. Barek, 84 Minn. 497, 88 N. W. 19	47
Travelers Ins. Co. v. Fricke, 41 L. R. A. 557, 99 Wis. 367....	79
Utah Const. Co. v. St. Louis Const. & Equip. Co., 254 Fed. 321	72

Verducci v. Casualty Co. of America, 96 Ohio St. 260, 117 N. E. 235	58
Waters Pierce Oil Co. v. Texas, 177 U. S. 28.....	65, 67
Wheeden v. Camden, etc. R. etc. Co., 2 Phila. (Pa.) 23.....	57
Whitfield v. Aetna L. Ins. Co., 205 U. S. 489, 27 S. Ct. 578 ..	59
Willfong v. Omaha & St. L. R. Co., 116 Iowa 548.....	68
Wis. Trust Co. v. Munday, 168 Wis. 31.....	39-40
Wilson-Moline Buggy Co. v. Hawkins, 80 Kan. 117, 101 Pac. 1009	58
Wyoming Valley Co-op Assoc., In re, 198 Fed. 436.....	57

STATUTES AND CONSTITUTIONAL PROVISIONS CITED

	Page
U. S. Const.	
Art. sec.	
I 8	74
Amendment XI	49
XIV	5, 36, 45, 47, 68
sec. 1	40, 54
Iowa Stats.	
Sec. 1144	77
Wis. Stats.	
Stats. 1898	
Sec. 1770b	37, 73, 74, 75
Stats. 1911	
Sec. 1770b	39
Stats. 1913	
Sec. 1770b	37, 39
Stats. 1921	
Secs. 1770b-1770d	41
Stats.	
Ch. 189	83
Sec. 70.11	6
76.30	6-7
189.10 (2)	83
201.38	7
201.38 (2) (a)	7
(b)	7-8
(c)	8
201.38 (3)	8-9

	Page
201.40	10
(2)	10
201.41	4, 7
(1)	11
201.44	4, 20
201.44 (1)	9
(2)	9
(3)	9
203.04	11, 20
203.06	20
203.07 (1)	10
(2)	10
209.04 (1)	9-10
209.05	9, 72
209.11	10

TEXTS CITED

	Page
12 C. J. sec. 432, note 96, p. 924.....	42
440, p. 928	45
441, p. 929	45
830, p. 1113	57
839, p. 1121	57, 61
841, p. 1124	62
876, p. 1142	63
877, p. 1143	36, 62
32 C. J. 951 et seq.....	57
sec. 11, p. 981.....	44, 58
982.....	44
983.....	42, 44, 58
21 p. 989.....	59
991.....	59
Constitution of United States Revised and Annotated by Payne, 141.....	43, 56
146.....	43
147.....	44
309.....	42, 55
310.....	42
509.....	36
510.....	36, 55-56
22 Cyc. 1386-91 et seq.	57
1386	36, 42
10 Cyc. of Law and Procedure 150.....	57
3 Digest U. S. Sup. Ct. Rep. 3406.....	86
8 Fletcher Cyc. of Corporations sec. 5734, p. 9362.....	56
p. 9375.....	64
5736, p. 9381.....	64, 65

	Page
5737, p. 9384.....	65
9385.....	65
9386.....	65
5738, p. 9387.....	66
9390.....	66, 67
5740, p. 9399.....	67
9400.....	67
9401.....	67
9402.....	67
5742, p. 9405.....	67
5746, p. 9426.....	68
5765, p. 9543.....	68
9546.....	69
5776, pp. 9624-9629....	70
9624.....	36, 56, 69
10 Fletcher Cyc. of Corporations sec. 5730, p. 888.....	71
5734, p. 888.....	71
890.....	72
5938, p. 908.....	72
1 Joyce Insurance 328 et seq.....	36, 56
12 R. C. L. 6-10.....	61
10.....	63
62.....	61
14 R. C. L. 857.....	63
858.....	64
861.....	59, 63
1386.....	36

